HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIM. APPLICATION NO.6031 OF 2005

Nandlal L. Kodnaney ..Applicant
Versus.
Central Bureau of Investigation
and Another
..Respondents.

Shri.I.J.Mansharmani for the Applicant

Smt.S.V.Gajare, A.P.P. for the Respondent - State.

Shri J.C.Satpute for Central Bureau of Investigation.

CORAM: A.M. KHANWILKAR, J.

DATE : DECEMBER 15, 2005.

P.C.

1. Heard Counsel for the parties. I am in agreement with the objection taken on behalf of the Respondent that the documents which are pressed into service before this Court, as do not form part of the charge sheet, cannot be reckoned for the purpose of deciding the present application.

2. That leaves us with the documents which are already on record and formed part of the charge sheet. According to the Applicant on the basis of these documents, it is seen that the benefit of the actual sale price of the flat has not been taken into account; Whereas Vashi flat was sold for 5,85,000/-, but for the

purpose of computing income only an amount of Rs.4,06,270/- has been taken into account. However, this grievance overlooks that while computing the sale proceeds of the Vashi flat, income derived by the Applicant is computed after deducting the cost of the flat which was invested by the Applicant in procuring the flat.

3. It was then contended that in the Expenditure Chart reference is made to the loan given by the Applicant to his son Arun Kodnaney for purchase of flat in Natasha Tower for a sum of Rs.4,26,650/-. According to the Applicant this amount will have to be shown as income of his son -Arun Kodnaney and on that basis the computation of the income ought to have been done. It is not possible to accept this submission. The amount which is given by the Applicant as loan to his son Arun Kodnaney is rightly shown as expenditure in sofaras the Applicant is concerned. That amount cannot be added as income of son Arun Kodnaney for the purpose of computing the disproportionateness of the assets than the source of the income of the Applicant.

4. In my opinion, the Court below has rightly observed that all such matters will have to be considered at the trial after evidence is laid by the respective

parties. Not a case for discharge. Hence, application is rejected.